
Press release

FRENCH OVERSEAS TERRITORIES

Frequency awards in Réunion: the Conseil d'État rejects Zeop Mobile appeals against the awards procedure for 700 MHz band frequencies in Réunion

Paris, 16 December 2022

On 8 December 2022, the Conseil d'État (France's highest administrative tribunal) rejected the two appeals that Zeop Mobile had filed against Arcep Decisions on the award of 700 MHz band frequencies in Réunion.

First appeal ruled inadmissible

The first appeal filed by Zeop Mobile concerned the Arcep Decisions of 14 December 2021, announced in the [press release of 15 December 2021](#), regarding the results of the principal auctions for 700 MHz band spectrum in Réunion¹. Through these Decisions, the Authority named operators Orange and Telco OI as the winning candidates for 10 MHz each of 700 MHz band spectrum, and operators Zeop Mobile and SRR of 5 MHz each.

In particular, the Conseil d'État ruled that the Arcep Decisions on the results of the procedure constituted preparatory measures, and not subject to being appealed to the judge of recourse for misuse of power. It rejected the appeal of the decisions, ruling them inadmissible. It thus confirmed its position of 6 October 2021² regarding the Decisions on the results of the awards procedure for 3.5 GHz spectrum in Metropolitan France³, which had also been appealed to the Conseil d'État.

Second appeal rejected: the frequency awards procedure did not violate the principle of non-discrimination

The second appeal filed by Zeop Mobile concerned the Arcep Decisions of 24 May 2022⁴ authorising Orange, SRR, Telco OI and Zeop Mobile to use, notably, frequencies in the 700 MHz band in Réunion.

The Conseil d'État concluded in particular that the awards procedure, set by Order of the Minister responsible for Electronic communications, dated 30 July 2021, following a proposal from Arcep, did not violate the principle of non-discrimination: *"The Minister laid down the rules governing the awards based on an analysis of the state of competition in the Réunion market, which is composed of four operators, including the applicant which has been present in that market since 2016, and which does not have any low-band spectrum due to its own strategic choices. It considered the different situations of the potential candidates, and particularly their existing frequency licences, without the principle of non-discrimination, in this particular case, requiring the administrative authority to implement an awards procedure containing special treatment that favoured the applicant."*

The Conseil d'État Decision thus validates the awards procedure for 700 MHz frequencies in Réunion and the licences to use this band awarded to Réunion's four mobile operators.

Associated documents:

- [Conseil d'État Decision](#)
- [Mobile frequency awards procedure for the Réunion-Mayotte zone](#)

¹ https://en.arcep.fr/fileadmin/cru-1671101953/user_upload/61-21-english-version.pdf

² [Conseil d'Etat Decision of 6 October 2021, No. 446302](#).

³ <https://www.arcep.fr/actualites/actualites-et-communiqués/detail/n/5g-121021.html>

⁴ Decisions [No. 2022-0875](#), [No. 2022-0876](#), [No. 2022-0878](#), [No. 2022-0879](#)

Arcep at a glance

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile communications and postal networks in France.